

REFERENCE TITLE: ADOA motor vehicle fleet; exemption

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2034

Introduced by
Representative Barnes

AN ACT

AMENDING SECTION 41-803, ARIZONA REVISED STATUTES; RELATING TO THE STATE MOTOR VEHICLE FLEET.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-803, Arizona Revised Statutes, is amended to
3 read:

4 **41-803. Operation of state motor vehicle fleet; public service**
5 announcements; energy conservation; alternative and
6 clean burning fuels; definitions

7 A. The director shall operate a motor vehicle fleet for all state
8 owned motor vehicles for the purpose of providing transportation for state
9 officers and employees, except those officers and employees of any agency or
10 department excluded by subsection E of this section. The director shall make
11 fleet motor vehicles available to state agencies and departments on the
12 request of the chosen representative for that agency or department.

13 B. The director may adopt rules necessary for the administration of
14 the motor vehicle fleet. State agencies and departments, including agencies
15 and departments listed in subsection E of this section, may accept
16 compensation for placing public service announcements on state owned motor
17 vehicles, and monies received shall be deposited, pursuant to sections 35-146
18 and 35-147, in the state general fund. The agency or department director
19 shall determine the appropriateness of the announcements, may exempt any
20 vehicles that are not suitable for advertising and may contract with private
21 parties for design and placement of the announcements.

22 C. The director shall provide for detailed cost, operation,
23 maintenance, mileage and custody records for each state owned vehicle. On or
24 before August 1 of each year, all state agencies and departments, including
25 those listed in subsection E of this section, shall make information
26 available to the director regarding vehicle cost, operation, maintenance and
27 mileage and other information as established by the director in policies and
28 procedures for the purposes of the report prescribed in subsection R of this
29 section.

30 D. Each state department and agency shall pay from available monies
31 the cost of motor vehicle services received from the state motor vehicle
32 fleet at a rate determined by the director.

33 E. The following **OFFICES**, departments and agencies are excluded from
34 participation in the state motor vehicle fleet:

- 35 1. Department of public safety.
- 36 2. Department of transportation.
- 37 3. Department of economic security.
- 38 4. State department of corrections.
- 39 5. Universities and community colleges.
- 40 6. Arizona state schools for the deaf and the blind.
- 41 7. Cotton research and protection council.
- 42 8. **STATE MINE INSPECTOR.**

43 F. The director shall appoint a person in the office of the director
44 who is the state motor vehicle fleet alternative fuel and clean burning fuel
45 coordinator. The coordinator shall develop, implement, document, monitor and

1 modify as necessary a statewide alternative fuels plan in consultation with
2 all state agencies and departments that are subject to the alternative fuel
3 and clean burning fuel requirements prescribed in this section or any other
4 law. The approval of the coordinator is required for all acquisitions of
5 vehicles pursuant to this section, except for acquisitions by community
6 college districts.

7 G. Purchases of all new motor vehicles that primarily operate in
8 counties with a population of more than two hundred fifty thousand persons
9 and that have a gross vehicle weight of eight thousand five hundred pounds or
10 less, including those agency motor vehicle fleets listed in subsection E of
11 this section, shall meet the following minimum requirements for vehicles:

12 1. For model year 1997, ten per cent of new motor vehicles purchased
13 shall be capable of operating on alternative fuels.

14 2. For model year 1998, fifteen per cent of new motor vehicles
15 purchased shall be capable of operating on alternative fuels.

16 3. For model year 1999, twenty-five per cent of new motor vehicles
17 purchased shall be capable of operating on alternative fuels.

18 4. For model year 2000, fifty per cent of new motor vehicles purchased
19 shall be capable of operating on alternative fuels.

20 5. For model year 2001 and all subsequent model years, seventy-five
21 per cent of new motor vehicles purchased shall be capable of operating on
22 alternative fuels or clean burning fuels.

23 H. Purchases of new alternative fuel and clean burning fuel vehicles
24 that have a gross vehicle weight of eight thousand five hundred pounds or
25 less shall meet the following minimum requirements for vehicles that
26 primarily operate in counties with a population of more than one million two
27 hundred thousand persons:

28 1. For model year 2000, forty per cent of new alternative fuel and
29 clean burning fuel vehicles purchased shall comply with the United States
30 environmental protection agency standards for low emission vehicles pursuant
31 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

32 2. For model year 2001, fifty per cent of new alternative fuel and
33 clean burning fuel vehicles purchased shall comply with the United States
34 environmental protection agency standards for low emission vehicles pursuant
35 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

36 3. For model year 2002, sixty per cent of new alternative fuel and
37 clean burning fuel vehicles purchased shall comply with the United States
38 environmental protection agency standards for low emission vehicles pursuant
39 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

40 4. For model year 2003, seventy per cent of new alternative fuel and
41 clean burning fuel vehicles purchased shall comply with the United States
42 environmental protection agency standards for low emission vehicles pursuant
43 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

1 I. The coordinator may waive the requirements of subsection G of this
2 section for any state agency on receipt of certification supported by
3 evidence acceptable to the coordinator that:

4 1. The agency's vehicles will be operating primarily in an area in
5 which neither the agency nor a supplier has established or can reasonably be
6 expected to establish a central refueling station for alternative fuels or
7 clean burning fuels.

8 2. The agency is unable to acquire or be provided equipment or
9 refueling facilities necessary to operate vehicles using alternative fuels or
10 clean burning fuels at a projected cost that is reasonably expected to result
11 in net costs of no greater than thirty per cent more than the net costs
12 associated with the continued use of traditional gasoline or diesel fuels
13 measured over the expected useful life of the equipment or facilities
14 supplied. Applications for waivers shall be filed with the department of
15 environmental quality pursuant to section 49-412. An entity that receives a
16 waiver pursuant to this section shall retrofit fleet heavy-duty diesel
17 vehicles with a gross vehicle weight of eight thousand five hundred pounds or
18 more that were manufactured in or before model year 1993 and that are the
19 subject of the waiver with a technology that is effective at reducing
20 particulate emissions at least twenty-five per cent or more and that has been
21 approved by the United States environmental protection agency pursuant to the
22 urban bus engine retrofit/rebuild program. The entity shall comply with the
23 implementation schedule pursuant to section 49-555.

24 J. The department of administration, through the coordinator, may
25 acquire or be provided equipment or refueling facilities necessary to operate
26 such vehicles using alternative fuels or clean burning fuels:

27 1. By purchase or lease as authorized by law.

28 2. By gift or loan of the equipment or facilities.

29 3. By gift or loan of the equipment or facilities or any other
30 arrangement pursuant to a service contract for the supply of alternative
31 fuels or clean burning fuels.

32 K. The coordinator and the department of commerce energy office shall
33 develop and implement a vehicle fleet energy conservation plan for the
34 purposes of reducing vehicle fuel consumption and to encourage and
35 progressively increase the use of alternative fuels and clean burning fuels
36 in state owned vehicles. The plans shall include:

37 1. A timetable by which fleet vehicles shall be replaced with vehicles
38 that have demonstrated high fuel economy estimates within their vehicle
39 class.

40 2. A timetable for increasing the use of alternative fuels and clean
41 burning fuels in fleet vehicles either through purchase or conversion. The
42 timetable shall reflect the following schedule and percentage of vehicles
43 which operate on alternative fuels or clean burning fuels:

1 (a) Not less than forty per cent of the total fleet by December 31,
2 1995, except for community college districts. Community college districts
3 shall comply by December 31, 2002.

4 (b) Not less than ninety per cent of the total fleet operating
5 primarily in counties with populations exceeding one million two hundred
6 thousand persons according to the most recent federal decennial census by
7 December 31, 1997, except for community college districts. Community college
8 districts shall comply by December 31, 2004.

9 3. Options for increasing, whenever possible, the use of vehicles that
10 have the capability to use available alternative fuels or clean burning
11 fuels, or vehicles that may be economically converted, if needed, for the use
12 of alternative fuels or clean burning fuels.

13 4. Options for the use of demonstrated innovative technologies that
14 promote energy conservation and reduced fuel consumption.

15 5. Methods that promote efficient trip planning and state vehicle use.

16 6. Car pooling and van pooling for agency employees for commuting and
17 job related travel.

18 L. The coordinator shall identify specific vehicle models within each
19 vehicle class that would meet the demands of each state agency and that
20 demonstrate a high degree of fuel economy. Vehicle classes and fuel economy
21 comparisons shall be based on United States department of energy and United
22 States environmental protection agency data pursuant to title 15 United
23 States Code sections 2003 through 2006. For the use of an alcohol fueled
24 vehicle, the state agency shall demonstrate to the director that the fuel for
25 the vehicle is available within a ten mile radius of the primary home base of
26 that vehicle.

27 M. Subsections G, H, I, J, K, L, N, O and P of this section do not
28 apply to the purchase or lease of the following:

- 29 1. A vehicle to be used primarily for criminal law enforcement.
- 30 2. A motorcycle.
- 31 3. An all-terrain vehicle.
- 32 4. An ambulance.

33 5. A fire truck, a fire engine or any other fire suppression
34 apparatus.

35 N. Any contract for conversion of vehicles to alternative fuels
36 pursuant to this section shall be entered into by competitive sealed
37 proposals pursuant to section 41-2534.

38 O. If everything else is equal, when contracting for vehicles to
39 satisfy the requirements prescribed in this section, preference shall be
40 given to vehicles with the lowest emissions levels.

41 P. The departments and agencies excluded from participation in the
42 state motor vehicle fleet pursuant to subsection E of this section shall
43 develop and implement a program for alternative fuels and clean burning fuels
44 and fuel economy for their motor vehicle fleets substantially similar to the

1 standards set forth in this section, and the program shall be submitted to
2 the coordinator for review.

3 Q. All agencies, including those listed in subsection E of this
4 section, shall comply with the plan developed and implemented by the
5 coordinator pursuant to subsection F of this section.

6 R. On or before November 1 of each year, the director shall submit a
7 report to the governor, the speaker of the house of representatives, the
8 president of the senate, the governor's office of strategic planning and
9 budgeting and the joint legislative budget committee concerning the use of
10 alternative fuels and clean burning fuels in the state motor vehicle
11 fleet. The report shall include at least the following:

12 1. The number of state fleet vehicles.

13 2. The number of state fleet vehicles used primarily in Maricopa
14 county.

15 3. The number of state fleet vehicles capable of using alternative
16 fuels or clean burning fuels.

17 4. Progress on compliance with federal and state guidelines mandating
18 the conversion of state fleet vehicles to alternatively fueled vehicles.

19 5. Alternative fuels and clean burning fuels usage data.

20 6. Information received from state agencies pursuant to subsection C
21 of this section.

22 7. Information gathered from local offices of federal agencies
23 regarding progress made toward implementing the federal mandates relating to
24 the conversion of motor vehicle fleets to alternative fuels or clean burning
25 fuels pursuant to subsection G of this section.

26 S. For the purposes of this section:

27 1. "Alternative fuels" has the same meaning prescribed in section
28 1-215.

29 2. "Clean burning fuels" has the same meaning prescribed in section
30 1-215.

31 3. "New motor vehicle" means an original equipment manufactured
32 vehicle, a converted original equipment manufactured vehicle or an original
33 equipment manufactured vehicle that will be converted.